

Accused killer defamed? King County judge tosses case

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A judge has tossed out celebrity defense attorney John Henry Browne's defamation suit against another prominent Seattle lawyer.



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A judge has tossed out celebrity defense attorney John Henry Browne's defamation suit against a prominent Seattle lawyer who is opposing him in a high-profile wrongful-death case.

King County Superior Court Judge James E. Rogers on Thursday [dismissed Browne's claims](#) that plaintiff's attorney Karen Koehler defamed his client, accused killer Tracy McNamara, by posting false information about the wrongful-death case on her law firm's website.

While Rogers acknowledged Koehler's website included some minor inaccuracies about some aspects of McNamara's case, the judge concluded the writings were protected under the "Fair Report Privilege," which allows public recountings of defamatory statements that are made as part of official proceedings.

Koehler, the former president of the Washington State Trial Lawyers Association, who represents 20 victims of last year's [deadly Ride the Ducks tourist-vehicle crash](#), said Friday that the ruling saw through what amounted to Browne's "bully tactics."

"We said from the very beginning that this was nothing more than a vindictive, ill-based lawsuit filed for the sole purpose of harassment and intimidation," Koehler said. "To base a lawsuit like this on such flimsy grounds, I think is evidence of not a very balanced legal mind."

Browne — who has defended such clients as serial killer Ted Bundy and the Barefoot Bandit during a career spanning more than four decades — declined to comment Friday, saying in an email he hadn't yet read the ruling.

[The suit](#) is part of [a broader squabble](#) between the two lawyers that has spilled out publicly from the courthouse this year.

Browne and Koehler are opposing each other in a tangled wrongful-death case brought by the adult children of Timothy McNamara, a 66-year-old Grant County grandfather who was fatally shot on Christmas Day two years ago while living in Belize. Authorities in that country initially ruled his death a suicide, but later issued a murder warrant for McNamara's wife, who is also his niece, Tracy (Nessl) McNamara.

Tracy McNamara, 45, who denies killing her late husband and uncle, returned to live in Soap Lake, Grant County, on his former farm before Belize issued the warrant.

The spat between the two attorneys over the case led Koehler to [write publicly about it on her blog in May](#), revealing that Browne had repeatedly bullied and disparaged her, including calling her a "whack job" and insulting her looks.

Browne has countered that Koehler has exaggerated the dispute to seek publicity. The dispute led the state's bar association to cancel plans to reprint part of Browne's [recently published memoirs](#).

[Browne filed the lawsuit in July](#), claiming Koehler's firm of Stritmatter Kessler Whelan Koehler Moore Kahler had distributed "irrefutably false and defamatory" statements about McNamara on its legal website as part of "an effort to aggressively and zealously advertise for additional business and to prejudice potential jurors."

Among other things, Browne's lawsuit contended the firm's website erroneously described Tracy McNamara as a murderer and the subject of an "Interpol warrant," leading her to become "a pariah in the small town in which she lives."

In his ruling Thursday, Rogers noted that even before the defamation suit was brought, aspects of the McNamara wrongful-death case were "incendiary."

He also noted that while Koehler's firm wrongly described the warrant against McNamara as an "Interpol warrant" rather than one issued by Belizean authorities, her law firm corrected the error after Browne pointed it out.

NOTE: This story has been updated with the correct spelling of Judge James E. Rogers' name.

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